

Massachusetts Department of Energy Resources

Summary of Final Revisions to the RPS Biomass Regulation and Guidelines

August 17, 2012

Based on review of comments received on the draft final regulation filed on April 26, 2012, DOER has made the following revisions to the Regulation and Guidelines.

Revisions to the Regulation

1) Added a Forest Landowner to the membership of the Advisory Panel established in Section 14.05(8)(b)(1) that meets not less than twice a year to review and provide recommendations to DOER on verification and enforcement procedures and market impacts of the regulation. DOER believes that due to the important role of the forest landowner in forestry and biomass harvest requirements, a forest landowner would have a valuable perspective to add to this Panel.

2) The proposed final regulation revised the Treatment of Previously Qualified Biomass Generation Units by extending the deadline for such Units to meet all requirements of the new regulation from 2015 to 2016 in Section 14.05(8)(e)(3). To provide a logical sequence of steps that such Units would need to take to retain eligibility, this revision should have been accommodated by a similar revision in the previous Section 14.05(8)(e)(2) to extend from 2014 to 2015 the time that such Unit's would remain qualified if they met intermediate requirements. DOER failed to recognize this need, and has made this technical change.

Revisions to the Guidelines

Overall Efficiency and GHG Analysis Guideline

DOER provides a GHG accounting template in the Guideline for Applicants and Qualified Units to demonstrate compliance with the required threshold reduction of GHG emissions of 50% in 20 years. The Guideline provides, in the Instructions, for an applicant that can "justify to DOER's satisfaction that unique features of its Unit merit substantially different assumptions and methodologies than those underlying this template, the applicant may alternatively submit to DOER an independent analysis with full documentation of assumptions and methodologies." DOER has revised this provision to nonetheless require the Applicant or Qualified Unit to also submit the GHG accounting template to allow DOER to compare the two.

Biomass Eligibility and Certificate Guideline
(clarifying revisions only)

DOER provides for harvest of Small Acreage (less than 50 acres) to determine the allowable eligible biomass tonnage for removal based on a weighted average of the soil conditions that occur on the site, as opposed to independent limits prescribed to each soil condition. DOER has clarified that the small acreage threshold is applied to the harvest site, not the full acreage of the parcel of land owned that is being harvested.

DOER has modified a few cell labels to clarify the restriction on removals of tops and branches. These changes do not revise the current restrictions, but clarify the use of the Guideline to apply the restrictions.